

Appl. No. 10/648,655
Amdt. dated May 23, 2005
Reply to Office action of February 25, 2005

REMARKS

TITLE

Applicant has amended the title as suggested by the Examiner.

ABSTRACT

Applicant has amended the Abstract as suggested by the Examiner.

CLAIMS

Claims 1, 2, 4, 5, 8-10, 12 and 15-17 have been rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 5,632,548 to Mayfarth. In addition, claims 1, 6, 9 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 914,975 to Radley.

To anticipate a claim, the cited reference must disclose each and every limitation recited in the subject claim. A thorough review of each of the two cited references reveals that neither anticipates the amended claims of the present invention.

35 U.S.C. § 102(b)

Mayfarth

The Mayfarth reference discloses a pressure actuated light source within in a housing shaped in the form of a thumb. The thumb-shaped housing permits a user to insert his or her thumb into the housing to conceal the internal components, including the light source and power source. The present application discloses a housing containing a light source and power source. However, in the present application, the housing is connected to a resilient strap or two or more flexible members which permit the housing to be attached to a user's finger or thumb.

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The independent claims of the present application recite the resilient strap and two flexible members. Unlike the Mayfarth reference, the strap and flexible members recited in the independent claims of the present application permit the light source contained within the housing to be positioned on, and along, any finger. The housing of the Mayfarth invention only allows the light source to be positioned adjacent an end of a finger. That is, the housing includes an open end and closed end with a light source at the closed end. Accordingly, the light source must be positioned at the closed end which corresponds to the end of the finger inserted therein. Such a design limits the functionality of the device.

Since the Mayfarth does not disclose a resilient strap or two flexible members for removably attaching the housing to a user's finger, it cannot anticipate the independent claims of the present application. By law, the dependent claims cannot be anticipated either.

Radley

The Radley reference discloses a portable light source. Contrary to the Examiner's position, Radley does not disclose a power source within the housing. Radley does disclose a power source, however the power source is not contained with the housing it is contained in a separate unit that is concealed under a user's shirt or jacket. A wire 'C' connects the separate power source to the lightening unit (see, Figs. 1 and 2). Obviously, a separate power source creates problems not inherent in the claimed invention of the present application.

More specifically, the separate power source requires a wire to transmit electrical power to the lightening unit. Thus, the wire must either be concealed through a sleeve of a shirt or jacket, or it must be viewable by others. A dangling wire is not aesthetically

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attractive. Moreover, wearing a power source underneath a garment is not convenient for a user.

Besides the separate power source, Radley only discloses a metal ring or clasp 'G'. The disclosure fails to suggest that the ring or clasp 'G' is resilient or flexible in nature. Typically, metal is neither resilient or flexible. Such a rigid ring or clasp limits the functionality of the device. In other words, the Radley device is not one-size-fits-all thereby limiting its usefulness.

The independent claims of the present application recite the power source within the housing and resilient or flexible members for removably attaching the device to a user's finger or thumb. Since the Radley reference fails to disclose a power source contained within the light unit or housing or resilient or flexible members for removably attaching the device to a user's finger or thumb, it cannot anticipate the independent claims of the present application. As set forth above, by law, since the independent claims are not anticipated neither can the dependent claims.

35 U.S.C. § 103(a)

Claims 3, 7, 11, 14 and 18 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 5,632,548 to Mayfarth.

In response to this rejection, Applicant incorporates the arguments pertaining to the 35 U.S.C. § 102(b) rejections above.

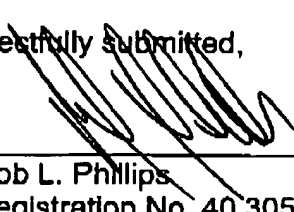
It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Date: May 23, 2005

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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